

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER

DUSTIN B. BERRY,

Plaintiff,

v.

4:11-cv-49

STEVE GRAVES, et al.,

Defendants.

**MEMORANDUM**

This is a *pro se* prisoner's civil rights action pursuant to 42 U.S.C. § 1983. On April 30, 2012, the court entered a Scheduling Order setting the matter for trial. Plaintiff's copy of that order, which was mailed to him at his last known address of the Coffee County Jail, was returned undelivered on May 7, 2012 with the notation "return to sender." In the court's initial order, plaintiff was ordered to inform the court immediately of any address changes. Plaintiff was also advised that failure to provide a correct address within ten days following any change of address would result in the dismissal of this action.

Accordingly, this action will be **DISMISSED WITH PREJUDICE** for plaintiff's failure to prosecute and to comply with the orders of this court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). The court will **CERTIFY** that any appeal

from this action would not be taken in good faith and would be totally frivolous. *See* Fed. R. App. P. 24.

**AN APPROPRIATE ORDER WILL ENTER.**

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE